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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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Paper No. 12

In re Application of

John M. Adams
Serial No. : 09/199,854
Filed : November 25, 1998
For : Uterine Contraction Detection and Initiation System
And Method

: DECISION ON PETITION
TO WITHDRAW
HOLDING OF
ABANDONMENT

This is a decision on petitioner's request filed October 12, 2001 to review the holding of abandonment mailed September 5, 2001 for failure to respond to the Office action mailed November 2, 2000. The basis for the request is that applicant did not receive an Office action mailed November 2, 2000. In fact, applicant surmises that no such Office action was ever issued.

A review of the application reveals that a decision on a prior petition to withdraw a holding of abandonment was mailed to applicant on November 2, 2000 indicating that the holding of abandonment made in a Notice of Abandonment mailed June 30, 2000 was being withdrawn. Applicant had provided the necessary evidence to show that a reply to an Office action mailed November 9, 1999 had been filed on May 5, 2000. The decision of November 2, 2000 stated that upon the mailing of the decision, the application would be forwarded to the Examiner for appropriate action. However, the file does not show that the examiner has taken any action.

In view of these facts, the Notice Of Abandonment mailed September 5, 2001 for failure to reply to the Office action of November 2, 2000 is in error as no Office action has been issued in response to the amendment filed May 5, 2000. The holding of abandonment is hereby withdrawn. Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner for entry of the May 5, 2000 amendment, and thereafter to the Examiner for issuance of an action in response to the amendment.

Summary: Holding of Abandonment Rescinded.

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